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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,950	07/03/2003	William Warren	8172	2578

7590

09/28/2005

Woodling, Krost and Rust ( Kenneth L. Mitchell )  
9213 Chillicothe Road  
Kirtland, OH 44094

EXAMINER
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CECIL, TERRY K

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,950

Applicant(s)

WARREN ET AL.

Examiner

Mr. Terry K. Cecil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7-7-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-63 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, 26-28, 60-63 and 52, drawn to an indicator with a gate/sensor of a water filtration device, classified in class 210, subclass 85 and 340/686.1.
  - II. Claims 8-13, 29-43, and 53, drawn to a water filter device with a front housing for attachment to a faucet, ultrasonically-welded and/or non-removable, classified in class 210, subclass 460.
  - III. Claims 14-16, drawn to filter device with end caps having peripheral seal, classified in class 210, subclass 450.
  - IV. Claims 17-22, drawn to a filtration device with a seal outlet valve seat, classified in class 210, subclass 97.
  - V. Claims 23-25, 55-56, drawn to a filter device having a diverting valve in the front housing, classified in class 210, subclass 420.
  - VI. Claims 44-51 and 54, drawn to a water filtration device having an outlet fountain, classified in class 210, subclass 424.
  - VII. Claims 57-59, drawn to a method of making a filter, classified in class 210, subclass 541.
2. The inventions are distinct, each from the other because of the following reasons:
  - Inventions VII and each of Inventions I-VI are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the

process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method of Invention VII as claimed can be used to make other and materially different product, e.g. one none of the products of Inventions I-VI require the a portion of the gate to be inserted into a receptacle in the end cap nor the sensor and electronics to be inserted into an open end of the housing end cap.

- Inventions I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions have separate utility such as follows:
  - Invention I does not require the filter housing of Invention II; the end cap peripheral seals of Invention III; the valve seat forming by second outlet of Invention IV; the diverting valve within the front housing of Invention V; nor the fountain of Invention VI.
  - Invention II does not require the gate with sensor of Invention I; the end cap peripheral seals of Invention III; the valve seat forming by second outlet of Invention IV; the diverting valve within the front housing of Invention V; nor the fountain of Invention VI.
  - Invention III does not require the gate with sensor of Invention I; the filter housing of Invention II; the valve seat forming by second outlet of Invention IV; the diverting valve within the front housing of Invention V; nor the fountain of Invention VI.

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- Invention IV does not require the gate with sensor of Invention I; the filter housing of Invention II; the end cap peripheral seals of Invention III; the diverting valve within the front housing of Invention V; nor the fountain of Invention VI.
  - Invention V does not require the gate with sensor of Invention I; the filter housing of Invention II; the end cap peripheral seals of Invention III; the valve seat forming by second outlet of Invention IV; nor the fountain of Invention VI.
  - Invention VI does not require the gate with sensor of Invention I; the filter housing of Invention II; the end cap peripheral seals of Invention III; the valve seat forming by second outlet of Invention IV; nor the diverting valve within the front housing of Invention V.
- Restriction for examination purposes is proper because of the reasons given above and also because (i) they have acquired a separate status in the art as shown by their different classification, (ii) the search required for the respective groups is not necessarily required by each of the other groups, and (iii) their subject matter is recognized as divergent.
3. A telephone call was made to K. Mitchell on 9-26-2005 to request an oral election to the above restriction requirement, but did not result in an election being made. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

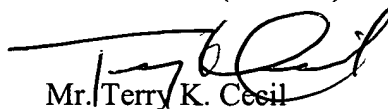
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currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Terry K. Cecil whose telephone number is (571) 272-1138. The examiner can normally be reached on 8:00a-4:30p M-F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mr. Terry K. Cecil  
Primary Examiner  
Art Unit 1723

TKC